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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,947	12/19/2001	Kosuke Tanabe	011723	8640
23850	7590	11/28/2003	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,947	<b>Applicant(s)</b> TANABE ET AL.	
	<b>Examiner</b> Victor S Chang	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The Examiner has carefully considered Applicants' remarks filed on 9/15/2003.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particularly, Applicants' argument that the teachings of JP 2000-106596 do not appear to be related to the maximum of loss tangent is persuasive, as such the rejection over JP '596 is withdrawn.
4. After reconsideration, the Examiner would like to make the following additional comments. It is noted that while claim 1 is directed to a double coated pressure sensitive adhesive sheet, the preamble contains a patentably insignificant <sup>contemplated</sup> use <sub>"comprising"</sub> language, and the claimed elements, which are devoid of any element pertaining to double sided adhesive sheet other than the adhesive layer with certain property, appear to be extremely unduly broad. Also, it should be noted that claims 3 and 4, which are clearly directed to contemplated use of the double sided adhesive tape, are also patentably irrelevant. If further prosecution, i.e., a CPA or RCE, is contemplated, the Examiner suggests that claims 3 and 4 should be incorporated into claims 1 and 2, with an appropriate rewrite of claim 1.

### Response to Amendment

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lindman et al. (US 5974655),

substantially for the reasons set forth in section 2 of Paper No. 0625, together with the following additional observations.

With respect to Applicant's response arguing that "Lindman does not disclose any performance limitations on the adhesive annulus" (Remarks, page 3, first full paragraph), the Examiner repeats (see Paper No. 0625, page 2) that Lindman expressly teaches "loudspeaker is mounted on a circuit board for devices such as a telephone by maintaining requisite sealing and damping between the loudspeaker and the circuit board, the loudspeaker is affixed directly to the circuit board by means of a double-side adhesive annulus (Abstract), Applicants' argument to the contrary notwithstanding.

With respect to Applicants' argument that Lindman teaches "The use of hard and non-elastic material is also conceivable ..." and "Clearly, the elasticity is not important in Lindman et al." (Remarks, page 3, first full paragraph), the Examiner notes that it appears Applicants' contention is misplaced. It is noted that Lindman's teaches at column 2, lines 26-29, "When the tape used is more or less elastic, it can be used as a soft loudspeaker suspension, thereby obviating the need to use typical rubber packings ...". As such, one of ordinary skill in the art would readily understand Lindman's comment regarding "hard and non-elastic material" is directed to the double sided adhesive tape as a whole, rather than the adhesive itself; also Lindman clearly teaches when "soft loudspeaker suspension" is required, an elastic tape is necessary, so as to obviate rubber packings.

With respect to Applicants' argument that "maximum of loss tangent is not inherent in the teachings of Lindman" (Remarks, page 3, second full paragraph), the

Examiner repeats that Lindman expressly teaches that the double-side adhesive is used to mount a loudspeaker to a circuit board such as a telephone by maintaining requisite sealing and damping, as set forth above. As such, although Lindman is silent about the maximum loss tangent, since the scope of the invention is essentially the same as the instantly claimed invention, it is believed that an adhesive layer having a suitable maximum loss tangent is either inherently disclosed, or an obvious optimization to one of ordinary skill in the art of damping.

With respect to Applicants' argument that Lindman et al. does not discuss "portable telephones" (Remarks, page 4, second full paragraph), the Examiner notes that Lindman expressly teaches a fixed or a mobile telephone phone apparatus (column 2, line 44, Applicants' argument to the contrary notwithstanding).

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1300-  
1700

*Daniel Zinker*